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Federal Regulatory

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November 16, 2000

Ex Parte

EX PARTE OR LATE FILED

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th St., S.W. – Portals
Washington, DC 20554

RE: Application by Verizon New England Inc., et al., for Authorization To Provide In-Region, InterLATA Services in Massachusetts, Docket No. 00-176

Dear Ms. Salas:

As requested by Mr. E. Einhorn, CCB, we are providing a repaginated copy of the Massachusetts etranscript associated with MA DTE 99-271, Vol. 28, 9/8/00. Also attached is a copy of the recorder's statement in which she outlines the changes made to the original transcript.

Please let me know if you have any questions. The twenty-page limit does not apply as set forth in DA 00-2159.

Sincerely,



cc: E. Einhorn
S. Pie

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Attached is the etranscript.

I have discovered that the pagination of Vols. 21 through 27 (though not that of the current volume) has been incorrect. Volume 21 should have begun with Page 4215; instead, through my error, the first two digits were transposed, and it was incorrectly numbered beginning with Page 2415. The result is that every page of the transcripts from Volumes 21 through 27, as originally sent out, should be a number 1800 higher than what was sent out. The current volume, Volume 28, has the correct pagination.

In the oral arguments contained in the attached volume, Volume 28, there were two references to these incorrect transcript pages. The first was by Mr. Salinger, at Volume 28, Page 5478, where he cited Volume 26, Page 3435. The cite as corrected would be Volume 26, Page 5235. The second was by Mr. Rowe, at Volume 28, Page 5029, where he cited Volume 26, Page 3390. The cite as corrected would be Volume 26, Page 5190.

In the oral arguments there was also a cite by Mr. Fishman, Volume 28, Page 5564. This cite was to Volume 20, which was uninfected by the incorrect pagination, and that cite is therefore correct as stated.

My office will be sending out correctly paginated versions of all these volumes by Wednesday, if not before. In the meantime, if you need to make reference to any of the pages in Volumes 21 through 28 which you have now, the correct pagination will be arrived at by adding 1800 to that page number.

My sincere apologies for the confusion which may have been caused. As a result of this snafu, my office will be instituting new procedures which should eliminate this type of error in the future.

If you have any questions, please contact me or my office manager, Karen Farmer.

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VOL. 21, PAGES 4215-4239
COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY
DTE 99-271

TECHNICAL SESSION held at the Department of
Telecommunications and Energy, One South Station,
Boston, Massachusetts, on August 15, 2000,
commencing at 10:06 a.m., concerning:

VERIZON - MASSACHUSETTS

----- ALAN H. BROCK, RDR/CRR -----

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1 SITTING: James Connelly, Chairman
2 Paul B. Vasington, Commissioner
3 Tina Chin, Hearing Officer
4 Paula Foley, Hearing Officer
5 Michael Isenberg, Director,
6 Telecommunications Division
7 Paul Afonso, General Counsel
8 April Mulqueen, Analyst
9 Michael DeYoung, Analyst

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1 August 15, 2000 10:06 a.m.
2 PROCEEDINGS
3 CHAIRMAN CONNELLY: Good morning. Let's
4 go on the record. My name is James Connelly, the
5 Chairman of the Department of Telecommunications and
6 Energy. We're continuing with our Section 271
7 checklist technical sessions. With me are my
8 colleague, Paul Vasington, Commissioner; head of the
9 Telecom Division, Mike Isenberg; and three staff
10 members, one of whom is a hearing officer in this
11 matter, Paula Foley; April Mulqueen; and Michael
12 DeYoung.
13 Let's turn to what we have today, which
14 is numbering administration as our next one, which
15 is Checklist Item 9 -- not No. 9 from the White
16 Album, but No. 9 from the 1996 Act. I hope no one
17 will get into that loop of just saying "No. 9" over
18 and over again.
19 Let me turn it over to Ms. Foley for the
20 moment.
21 MS. FOLEY: Good morning. Checklist
22 Item No. 9 requires a Section 271 applicant to
23 provide nondiscriminatory access to telephone
24 numbers for assignment to competing carriers'

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1 telephone exchange service customers until the date
2 by which telecommunications guidelines, plans, or
3 rules are established. After that date the
4 applicant is required to comply with such
5 guidelines, plans, or rules.
6 Verizon is presenting a witness on this
7 checklist item this morning.
8 MR. BEAUSEJOUR: That's correct, Ms.
9 Foley.
10 MS. FOLEY: Then we will allow questions
11 from the Attorney General, CLECs, and questions from
12 the Bench, if there are any questions.
13 Would you introduce your witness,
14 please.
15 MR. BEAUSEJOUR: Thank you. The witness
16 this morning on Checklist Item No. 9 is Donald
17 Albert.
18 DONALD ALBERT, Sworn
19 MS. FOLEY: You have up to ten minutes
20 to make a presentation if you would like to.
21 MR. BEAUSEJOUR: We have no opening
22 statement on this checklist item.
23 MS. FOLEY: We will take questions from
24 the Attorney General.

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1 MS. REED: None at this time. Thank
2 you, Madam Hearing Officer.
3 MS. FOLEY: Are there any questions from
4 any CLECs?
5 Seeing none, are there any questions
6 from the Bench?
7 Seeing none, is there anything further
8 from Verizon?
9 MR. BEAUSEJOUR: Just one matter. There
10 was a Verizon witness on the first set of technical
11 sessions, Mr. John Howard. If I could ask that you
12 request Mr. Albert to adopt Mr. Howard's testimony
13 that was given at the technical session. They did
14 this in somewhat of a team approach.
15 MS. FOLEY: Mr. Albert, do you adopt the
16 statements made by Mr. John Howard in this
17 proceeding last year as the whole truth?
18 MR. ALBERT: Yes, I do.
19 MS. FOLEY: Thank you very much. We're
20 finished with our consideration of Checklist Item
21 No. 9. I don't think we need to take a break. We
22 can go right into Checklist Item No. 12.
23 MR. BEAUSEJOUR: Thank you. Our witness
24 on Checklist Item No. 12 is also Mr. Don Albert.

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1 DONALD ALBERT, Witness
2 MS. FOLEY: Do you adopt all statements
3 made last year on this checklist item before the
4 Department in this proceeding as the whole truth?
5 MR. ALBERT: I do, as well as the
6 statements by Mr. Howard as well as the written
7 testimony from Mr. Howard from last spring and
8 summer.
9 MS. FOLEY: Do you have a short
10 presentation to make on this item before we start
11 questioning?
12 MR. ALBERT: No, I don't.
13 MS. FOLEY: Are there any questions from
14 the Attorney General on this checklist item?
15 MS. REED: Not at this time, Madam
16 Hearing Officer.
17 MS. FOLEY: Are there any questions from
18 any CLECs that are present on this item?
19 Are there any questions from the Bench?
20 Is there anything further from Verizon?
21 MR. BEAUSEJOUR: We have nothing
22 further.
23 MS. FOLEY: Thank you. This concludes
24 our consideration of Checklist Item No. 12. We will

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1 take a brief recess of five minutes and continue
2 with Checklist Item No. 7.
3 (Recess taken.)
4 CHAIRMAN CONNELLY: Let's go back on the
5 record and turn to the next checklist item, which is
6 No. 7, 911 and directory assistance. Ms. Chin, do
7 you want to take over the dice here?
8 MS. CHIN: Surely. There are two
9 witnesses, Mr. Vincent Woodbury and Mr. William
10 Greene?
11 MR. BEAUSEJOUR: Actually, there are
12 several others: Barbara Crawford and Donald Albert.
13 MS. CHIN: All on Item 7?
14 MR. BEAUSEJOUR: That's correct.
15 MS. CHIN: I believe the first two have
16 already been sworn in?
17 MR. BEAUSEJOUR: They have.
18 MS. CHIN: Have Mr. Wood and Mr. Greene?
19 VINCENT WOODBURY, WILLIAM GREENE,
20 BARBARA CRAWFORD, DONALD
21 ALBERT, Witnesses
22 MS. CHIN: Mr. Greene and Mr. Woodbury,
23 do you swear or affirm that the testimony you are
24 about to give is the truth?

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1 WITNESS GREENE: I do.
2 WITNESS WOODBURY: I do.
3 MS. CHIN: Any prior statements in the
4 last technical sessions held last fall, do you adopt
5 those statements as your own and swear that they are
6 the whole truth?
7 WITNESS GREENE: I do.
8 WITNESS WOODBURY: I do.
9 MS. CHIN: Ms. Crawford and Mr. Albert.
10 do you swear or affirm that the testimony you are
11 about to give is the truth?
12 WITNESS ALBERT: I do.
13 WITNESS CRAWFORD: I do.
14 MS. CHIN: And that you adopt any
15 statements made from last fall's technical sessions
16 as the truth?
17 WITNESS ALBERT: I do.
18 WITNESS CRAWFORD: I do.
19 MS. CHIN: I understand that there are
20 no brief opening statements from the witnesses?
21 MR. BEAUSEJOUR: That's correct, Ms.
22 Chin.
23 MS. CHIN: Then we will start with
24 questioning. Ms. Reed.

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1 CROSS-EXAMINATION
2 BY MS. REED:
3 Q. This is Karlen Reed, from the Attorney
4 General's office. I would like to direct your
5 attention to the comments filed on May 26 on Page 94
6 regarding this issue. This is a section under the
7 Subparagraph A. BA-MA access to E911 databases. In
8 this comment you stated that CLEC customers in
9 Massachusetts are able to dial 911 to reach an
10 emergency service provider in the same manner as
11 BA-MA's end-user customers. Is that true, is that
12 statement still true, despite the current labor
13 dispute?
14 A. [GREENE] Yes, it is.
15 Q. What is Verizon's policy regarding filling
16 repair orders versus new installations in the light
17 of this labor dispute?
18 A. [GREENE] Well, we are repairing -- repairs
19 take precedence. We are not filling orders, for the
20 most part. However, we have filled several CLEC
21 E911 trunk requests since the strike has begun.
22 A. [GREENE] The repair policy, is that
23 pursuant to a part of Verizon's tariff, to the best
24 of your knowledge?

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1 A. [GREENE] I'm not quite sure I understand
2 the question.
3 Q. Is this a policy, to do repairs first versus
4 new installation, or are you required to do so
5 pursuant to a tariff provision?
6 A. [GREENE] I am not sure.
7 Q. Does anybody on the panel know the answer to
8 this question? No.
9 When the strike finishes, what will be
10 Verizon's policy regarding the repairs backlog?
11 CHAIRMAN CONNELLY: Ms. Reed, under the
12 ground rules we had yesterday, the 14-point
13 checklist is what we're studying here, not the
14 labor-management dispute of the company. So I would
15 just point out to you that, as we go through this,
16 to bear that in mind.
17 MS. REED: I appreciate that, Mr.
18 Chairman. I just see an opportunity for Verizon to
19 discriminate in favor of repairing -- looking at the
20 backlog of repairs for Verizon's customers in --
21 CHAIRMAN CONNELLY: We're studying the
22 objective market conditions here in Massachusetts,
23 as the statement yesterday said, and not
24 adventitious effects of what will be a temporary

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1 strike. So bear that in mind, please.
2 MS. REED: Thank you, Mr. Chairman.
3 Q. The next question I have concerns directory
4 assistance. I'd like to direct your attention to
5 the comments filed on May 26th, Page 99, as well as
6 the affidavit filed May 26 on Page 141.
7 A. [WOODBURY] I'm ready.
8 Q. The portion of the concern I'm questioning
9 on is on Page 99, the statement that as of February,
10 2000, 16 CLECs were purchasing operator call-
11 completion services from BA-MA. On the affidavit,
12 the part that I am focusing on is essentially the
13 same section, Paragraph 293, which states, "Through
14 February 2000, 18 CLECs were purchasing directory
15 assistance from BA-MA." My question is this: Who
16 pays for directory assistance?
17 A. [WOODBURY] The wholesale company pays Bell
18 Atlantic for the directory assistance -- Verizon;
19 excuse me.
20 Q. Do the consumers also pay to the directory-
21 assistance fund?
22 A. [WOODBURY] I'm uncertain what the
23 arrangements between the State and the CLECs are for
24 paying for directory assistance.

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1 Q. Does anybody else on the panel have anything
2 further to add to that response?
3 A. [CRAWFORD] No.
4 MS. REED: That's all, Madam Hearing
5 Officer. Thank you, Mr. Chairman.
6 MS. CHIN: Thank you. Are there any
7 other CLECs that have questions for this panel?
8 Is there any followup?
9 MR. BEAUSEJOUR: Just one moment.
10 (Pause.)
11 WITNESS WOODBURY: Can I just make one
12 clarifying statement? The question Ms. Reed asked
13 on Page 99 of the supplemental comments, the
14 paragraph Ms. Reed referenced refers to 16 CLECs
15 that were purchasing operator call completion. That
16 is not directory assistance; that's operator call
17 completion, the dial-zero function, as opposed to
18 directory assistance.
19 MS. CHIN: Thank you.
20 The Bench has no questions. Thank you.
21 Off the record.
22 (Discussion off the record.)
23 CHAIRMAN CONNELLY: Let's go back on the
24 record. This is No. 5 and No. 6, which are

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1 transport and switching. So we had overlashing
2 yesterday, and we have switching today. There's a
3 theme emerging.
4 Mike Isenberg is going to run the
5 session here.
6 MR. ISENBERG: Back on the record.
7 We'll now proceed with Checklist Item No. 5, which
8 is unbundled local transport. Mr. Beausejour, your
9 witnesses for this item are?
10 MR. BEAUSEJOUR: Thank you, Mr.
11 Isenberg. Our witnesses for this panel are Beth
12 Abesamis, Amy Stern, and Donald Albert.
13 BETH ABESAMIS, AMY STERN, and
14 DONALD ALBERT, Witnesses
15 MR. ISENBERG: Ms. Stern and Ms.
16 Abesamis, would you both please stand and raise your
17 right hand. Do you swear or affirm that the
18 testimony you are about to give is the truth?
19 WITNESS ABESAMIS: Yes.
20 WITNESS STERN: Yes.
21 MR. ISENBERG: Do both of you have prior
22 testimony?
23 WITNESS STERN: I did.
24 WITNESS ABESAMIS: Yes.

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1 MR. ROWE: We need to adopt with this
2 panel group the testimony of Mr. John Howard earlier
3 on this subject and the testimony of Mr. Garbarino
4 on this subject.
5 MR. ISENBERG: Which witness will be
6 adopting that testimony?
7 MR. ROWE: I suppose Amy will adopt John
8 Howard, and Beth will adopt Mr. Garbarino.
9 MR. ISENBERG: Ms. Stern, do you adopt
10 the testimony of John Howard?
11 WITNESS STERN: Yes, I do.
12 MR. ISENBERG: And do you adopt any
13 previous testimony of your own on this checklist
14 item?
15 WITNESS STERN: Yes, I do.
16 MR. ISENBERG: And Ms. Abesamis, do you
17 adopt the testimony of Mr. Garbarino? WITNESS
18 ABESAMIS: Yes, I do.
19 MR. ISENBERG: And any prior testimony
20 of your own on this checklist item?
21 WITNESS ABESAMIS: Yes, I do.
22 MR. ISENBERG: Thank you. Mr.
23 Beausejour, do your witnesses have any prefiled
24 statements to make?

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1 MR. BEAUSEJOUR: Yes, Mr. Albert has a
2 brief statement to make.
3 MR. ISENBERG: Please proceed.
4 WITNESS ALBERT: There are two new items
5 I'd like to address. One is in response to a data-
6 request answer that Nextlink provided. The thing
7 I'd like to say is --
8 CHAIRMAN CONNELLY: Can you identify it
9 for the record, which one you're referring to?
10 WITNESS ALBERT: This is a series of
11 questions to Nextlink from the Department. What I'm
12 referring to, it's got a date of July 27, 2000. The
13 first in the series was 1A and it went 1B, 1C, 1D.
14 These particular orders that Nextlink
15 provided in the data request, none of those are
16 unbundled interoffice facilities transport. They
17 are special-access orders. Nevertheless, what I did
18 investigate was the six particular orders, special-
19 access orders, that Nextlink had identified as being
20 Bell Atlantic misses. What I found in my
21 investigation for those six orders, four of the six
22 were customer-not-ready situations, one of the six
23 was a legitimate Bell Atlantic miss for no
24 facilities available, and the last order was a case

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1 of Nextlink ordering the wrong type of signaling for
2 the special-access circuit. The circuit was ordered
3 and it was installed as an AMI signaling, which is
4 alternate mark inversion, where what the customer
5 really wanted was B8ZS signaling. That was the
6 sixth order.

7 The second item I'd like to address --
8 COMMISSIONER VASINGTON: Can I follow up
9 on that for one second? The significance of it
10 being a difference between special-access orders and
11 transport is, as I understand it, that transport is
12 a UNE and special access is pursuant to the access
13 tariff.

14 WITNESS ALBERT: That's correct.

15 The second item I'd like to address. I
16 think in MCI's comments they talked about the
17 testing of DS3s. They were contrasting the work
18 that Bell Atlantic performs for testing an unbundled
19 DS3 compared to a special-access DS3.

20 CHAIRMAN CONNELLY: Can you point to the
21 place in the record where we can find the comments
22 to which you are now responding?

23 WITNESS ALBERT: This is the affidavit
24 from Sherry Lichtenberg, Karen Kennard, and William

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1 facilities is pretty much an overgeneralization and
2 an oversimplification of the process that exists --
3 really, the two different processes that exist for
4 those two different services.

5 The big difference is that they are in
6 fact two different services, two different
7 offerings, with a number of differences. But the
8 major difference as it relates to testing is that a
9 special-access service, a majority of those that are
10 ordered are terminated at a customer, an end-user
11 premise. With an unbundled interoffice facility,
12 the vast majority of those that we provide go
13 between two Bell Atlantic central offices. The
14 jargon that we use is the service is provided from a
15 DSX to a DSX, which is jargon to describe the
16 digital cross-connect termination equipment within
17 the two different Bell Atlantic central offices that
18 the unbundled DS3 goes between.

19 Now, that difference between the
20 special-access service which terminates in the
21 customer prem versus the unbundled IOF that goes
22 between the two Bell Atlantic COs is what has a big
23 impact on the different processes that are needed
24 for the testing of those types of circuits. What

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1 Drake. The portion of that I'll be speaking to
2 begins at Paragraph 38.

3 CHAIRMAN CONNELLY: Is that the only
4 affidavit they put in, or is there some date, in
5 case there's more than one?

6 MR. BEAUSEJOUR: It is the only
7 affidavit that the three appear on.

8 CHAIRMAN CONNELLY: Do you have a date,
9 just for ease of finding it?

10 MR. BEAUSEJOUR: I believe, Chairman,
11 that would have been July 18th.

12 CHAIRMAN CONNELLY: I'd like to remind
13 people of what we said yesterday, which is that the
14 voluminous nature of this record and the many, many
15 documents, some of them multiple documents filed by
16 persons of the same name over time -- when you make
17 a reference to the document, try to do it with
18 specificity, or else it's like trying to untie a
19 bowl of spaghetti. That would be very helpful to
20 us. Thank you.

21 WITNESS ALBERT: Relative to that
22 reference, the description by MCI of testing and the
23 overall process, contrasting unbundled DS3
24 interoffice facilities to special-access DS3

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1 you run into is, on the date due for a special-
2 access circuit, typically -- not always, because
3 there are always exceptions -- but typically on the
4 date due there will be a Bell Atlantic technician
5 dispatched to the customer premise that will on the
6 date due do work associated with turning up and with
7 testing and with providing that circuit to the CLEC.
8 That is very different than the work that's done for
9 an unbundled interoffice DS3 facility, where, since
10 the two end points are both in Bell Atlantic's
11 central offices, that work is usually, it's of a
12 different nature, and it's done more typically in
13 advance of the date due. So frequently on the date
14 due there will not be a Bell Atlantic technician
15 dispatched to the end of the unbundled interoffice
16 circuit. So that's the difference physically in
17 what they are and the dispatches, and they also
18 relate back to the ability to do testing on the day
19 that the circuits are turned over.

20 Nevertheless, we are working with MCI.
21 We do have a process-improvement work effort in
22 place. There have been, I think, about seven orders
23 that we've gone through and investigated. There's
24 going to be an additional batch. This is all

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1 relatively recent work. The additional batch that
2 I'm talking about are ones going forward. What
3 we're going to try and do is basically use those
4 orders and use them for those defined orders, use
5 some different testing processes that we've agreed
6 to, to try and work through and figure out if there
7 is a need to change the process and to improve
8 things for the testing of unbundled IOF. So that's
9 a work in progress. That's it.
10 MR. ISENBERG: Thank you.
11 Are there any questions from the
12 Attorney General?
13 MS. REED: No, thank you.
14 MR. ISENBERG: Any questions from CLECs?
15 MS. PARKER: Stacey Parker from
16 MediaOne. Keeping in mind the chair's guidelines
17 that this isn't a forum to hear issues that are open
18 in other proceedings, I would like to state for the
19 record that access to UNE IOF is an issue in the
20 ongoing proceeding, which is 99/42-43. I have no
21 other questions at this time.
22 MR. ISENBERG: Thank you. Any questions
23 from other CLECs?
24 Seeing none, any questions from the

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1 MR. ISENBERG: Thank you. Mr.
2 Beausejour, any opening statements?
3 MR. BEAUSEJOUR: There is no opening
4 statement for this checklist item.
5 MR. ISENBERG: Thank you. Ms. Reed, any
6 questions from the Attorney General's office?
7 MS. REED: No questions at this time.
8 Thank you.
9 MR. ISENBERG: Thank you. Any questions
10 from CLECs on this checklist item?
11 And the Bench has no questions. So that
12 concludes our examination of Checklist Item 6,
13 unbundled switching. Thank you.
14 CHAIRMAN CONNELLY: Is there any matter
15 that we need to talk about before we wrap up the
16 proceedings for today? All right, then. Thank you
17 all. That closes the hearings for today.
18 (10:53 a.m.)
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1 Department? We have none.
2 Does Bell Atlantic have any redirect?
3 MR. BEAUSEJOUR: We have none.
4 MR. ISENBERG: That concludes checklist
5 Item No. 5. We'll move on to Checklist Item 6.
6 MR. ROWE: The same three panelists.
7 MR. ISENBERG: Mr. Beausejour, do the
8 panelists need to adopt any prior testimony?
9 MR. BEAUSEJOUR: Yes, they do. I
10 believe it's going to be somewhat similar. Mr.
11 Albert and Ms. Stern will adopt testimony they gave
12 earlier in the proceeding, and Ms. Abesamis will
13 adopt testimony that Mr. Garbarino gave.
14 MR. ISENBERG: Would the witnesses
15 please rise. Mr. Albert, do you adopt your prior
16 testimony on this checklist item?
17 WITNESS ALBERT: Yes, I do.
18 MR. ISENBERG: Ms. Stern, do you adopt
19 your prior testimony on this checklist item?
20 WITNESS STERN: Yes, I do.
21 MR. ISENBERG: And Ms. Abesamis, do you
22 adopt the prior testimony of Bell Atlantic's witness
23 on this checklist item?
24 WITNESS ABESAMIS: I do.

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1 C E R T I F I C A T E
2 I, Alan H. Brock, Registered Professional
3 Reporter, do hereby certify that the foregoing
4 transcript is a true and accurate transcription of
5 my stenographic notes taken on August 15, 2000.
6
7
8 Alan H. Brock, RDR/CRR
9
10 I N D E X
11 Checklist Item 9, Page 4220
12 DONALD ALBERT
13
14 Checklist Item 12
15 DONALD ALBERT, Page 4222
16
17 Checklist Item 7, Page 4223
18 VINCENT WOODBURY, WILLIAM GREENE, BARBARA
19 CRAWFORD, and DONALD ALBERT
20
21 Checklist Item 5, Page 4229
22 BETH ABESAMIS, AMY STERN, DONALD ALBERT
23
24 Checklist Item 6, Page 4237

VOL. 22, PAGES 4240-4400
COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY
DTE 99-271

TECHNICAL SESSION held at the Department of
Telecommunications and Energy, One South Station,
Boston, Massachusetts, on August 17, 2000,
commencing at 9:07, concerning:

VERIZON - MASSACHUSETTS

----- ALAN H. BROCK, RDR/CRR -----
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2 Paul B. Vasington, Commissioner
3 Cathy Carpino, Hearing Officer
4 Tina Chin, Hearing Officer
5 Michael Isenberg, Director,
6 Telecommunications Division
7 Jeessoo Hong, Analyst
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1 August 17, 2000 9:07 a.m.
2 PROCEEDINGS
3 MS. CHIN: On the record. Good morning.
4 My name is Tina Chin. I am one of the hearing
5 officers in this proceeding, 99-271. Today we will
6 be addressing LNP, Checklist Item No. 11, to start
7 with.
8 Before we begin, there's one issue, the
9 record requests that were issued or proposed on
10 Monday. The Department has reviewed those requests
11 and finds that they are appropriate. I will read
12 those into the record.
13 The first is No. 318. It's directed to
14 Verizon. It's to provide a redlined version of the
15 following two documents: The first is
16 DTE-NECTA-4-8, Attachment No. 2, identified as a May
17 30, 2000 version of Procedure for Placing an
18 Additional Licensee's Cable on Same Licensee's
19 Previously Licensed Aerial Pole Attachments
20 (Commonly Known as Overlash). The second document
21 is DTE-AT&T-4-18, Appendix VI, identified as a March
22 14, 2000 final draft version of Procedure for
23 Placing an Additional Licensee's Cable on Same
24 Licensee's Previously Licensed Aerial Pole

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1 Attachments (Commonly Known as Overlash). In
2 addition, please provide an explanation for the
3 differences made to the May 30, 2000 version of this
4 document.
5 The second record request --
6 MR. WERLIN: Could I please ask a
7 question about that?
8 MS. CHIN: Yes.
9 MR. WERLIN: Are you asking for a
10 redlined version comparing the two? I'm not sure I
11 understand.
12 MS. CHIN: Of the two, DTE-NECTA-4-18
13 and DTE-AT&T-4-18.
14 MR. WERLIN: And it's the overlash
15 provision.
16 MS. CHIN: Yes.
17 MR. SALINGER: My memory of the
18 discussion -- and Ms. Gill was taking the lead on
19 our part on that. But my memory of the discussion
20 is that we were focusing on how those two documents
21 each differed from prior versions proposed by
22 Verizon in December. And if my memory is at all
23 accurate, I think the redlining that the Department
24 is requesting is to show the changes from the

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1 December proposals by Verizon to the versions that
2 the Bench just identified. But my memory may be
3 faulty.
4 MS. CHIN: Mr. Munnelly?
5 MR. MUNNELLY: Rob Munnelly, New England
6 Cable Television Association. I think it was my
7 line of questioning that led to the record request
8 anyway. The question that I think that I was asking
9 was that Bell Atlantic had a draft in March -- they
10 had a version that was in March. The licensees had
11 a version, which is the NECTA-4-8 version, dated May
12 30th. And I said how much of the May 30th version
13 was adopted in the final version that Verizon put
14 forth in their 4-18, Appendix VI. That was the
15 question that I was asking, and I thought that the
16 Bench was following up on that. So it was how much
17 of the May version is incorporated in the final
18 version that Verizon adopted in 4-18, Appendix VI.
19 That was what I was intending to ask. The
20 Department, of course, can decide what it wants on
21 that.
22 MR. WERLIN: The only, I guess,
23 clarification I'm asking for is: Is the record
24 request limited to the overlash provisions?

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1 MS. CHIN: I believe so.
2 MR. WERLIN: Thank you.
3 MS. CHIN: Record Request No. 319, which
4 I will also read into the record, is also to
5 Verizon. It's to provide any documentation
6 supporting Verizon's position that the mayor of
7 Quincy requested that no utility poles located in
8 the City of Quincy be further "boxed" (generally
9 defined as poles being surrounded on each side by
10 cable).
11 (RECORD REQUESTS.)
12 MS. CHIN: Mr. Rowe, would you like to
13 introduce your witness?
14 MR. ROWE: Yes, for Checklist Item
15 No. 11 we are presenting Ms. Alice Shocket -- Ms.
16 Shocket offered testimony herself earlier and will
17 adopt the testimony of Mr. John Howard offered
18 earlier -- Mr. Donald Albert, and Ms. Beth Abesamis.
19 Ms. Abesamis will adopt her own testimony as filed,
20 as well as the testimony offered earlier on this
21 checklist item for Mr. Garbarino.
22 DONALD ALBERT, BETH ABESAMIS,
23 AMY STERN, and ALICE SHOCKET, Witnesses
24 MS. CHIN: Will the witness please stand

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1 and raise your right hand. Do you swear or affirm
2 that the testimony you are about to give is the
3 truth?
4 THE WITNESSES: Yes.
5 MS. CHIN: Do you adopt your prior
6 testimony provided in this proceeding as the truth?
7 THE WITNESSES: Yes.
8 MS. CHIN: Ms. Shocket, do you adopt
9 Mr. Howard's prior testimony in this proceeding?
10 WITNESS SHOCKET: Yes.
11 MS. CHIN: And Ms. Abesamis, do you
12 adopt the testimony of Ken Garbarino as your own in
13 this proceeding?
14 WITNESS ABESAMIS: Yes.
15 MS. CHIN: Thank you. I assume there
16 are no opening statements?
17 MR. ROWE: We have no opening statements
18 on this checklist item.
19 MS. CHIN: Then we will start with
20 questioning by the Attorney General.
21 MS. REED: Thank you, Madam Hearing
22 Officer. I have just a couple of questions.
23 CROSS-EXAMINATION
24 BY MS. REED:

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1 Q. Just for clarification's sake on my part:
2 I'd like you to tell me what the initials FOC stand
3 for? This relates to Page 112 of the supplemental
4 comments filed May 26, providing FOCs.
5 A. [SHOCKET] FOC stands for firm order
6 confirmation.
7 Q. Regarding the assertions that Verizon has
8 met the local number portability standards set forth
9 by the Telecommunications Act, am I correct in
10 understanding that this assertion does not include
11 the Verizon Wireless portion of your company?
12 A. [SHOCKET] Yes.
13 Q. Is the wireless portion still on track to
14 meet its local number portability requirements of
15 November 24th, 2002?
16 A. [SHOCKET] I am not that familiar with it,
17 but that would be Verizon Wireless activity.
18 Q. So it's your position that Verizon
19 Wireless's requirement to meet local number
20 portability standards is separate and apart from the
21 Verizon - Massachusetts requirements? Is that
22 correct?
23 A. [SHOCKET] That's my understanding, yes.
24 Q. Am I also correct in understanding that you

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1 don't know whether or not the wireless is on track
2 to meet their local number portability standards?
3 A. [SHOCKET] Yes, that's correct.
4 Q. Will Verizon's separate data affiliate be
5 bound by the local number portability rules that
6 Verizon - Massachusetts is required to follow?
7 A. [SHOCKET] I'm not familiar with the
8 data-affiliate guidelines.
9 Q. So you don't know?
10 A. [SHOCKET] I don't know.
11 MS. REED: No further questions. Thank
12 you.
13 MS. CHIN: Are there any CLECs who wish
14 to question these witnesses? Ms. Parker.
15 MS. PARKER: Good morning. Stacey
16 Parker for MediaOne. With me is David Kowolenko.
17 CROSS-EXAMINATION
18 BY MS. PARKER:
19 Q. I do have just a couple of questions for the
20 panel. As you know, MediaOne's main concern in this
21 area that we've focused on recently is the process
22 involved, the manual process involved, for the
23 cancellation, same-day cancellations, of ports or
24 reschedules of ports. What I'd like to do is direct

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1 your attention to the recent filing by Verizon, I
2 believe August 4th, Page 76, Paragraph 154 and 155.
3 Actually, that's Page 77.
4 In the filing Verizon states that they
5 agree a mechanized process for this, instead of the
6 manual process, would be more efficient for both
7 parties, and also states that you're currently
8 exploring efforts required to mechanize this
9 process. I was wondering if you could provide us
10 with some more detailed explanation about what type
11 of automated process Verizon is looking into to
12 mechanize this process?
13 A. [SHOCKET] Right now the supps.,
14 supplemental LSRs, that are sent in to Verizon are
15 handled on a manual basis, which means that a
16 representative in our TSOC would need to manually
17 enter the request on the service order -- whatever
18 change it is, if it's cancellation, or if it's a
19 change of due date.
20 The mechanization process that we're
21 exploring is when a CLEC enters the supplemental LSR
22 into the request-manager interface that it would
23 flow through automatically to the downstream Verizon
24 systems without the intervention of a person to make

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1 the changes on the service order. We are exploring
2 that.

3 Q. For clarification, is the request manager
4 the same as the DCAS?

5 A. [SHOCKET] It is.

6 MS. PARKER: And if I may, Madam Hearing
7 Officer, if David Kowolenko has any followup
8 questions from a technical standpoint, could he also
9 question the witness?

10 MS. CHIN: Yes, you may.

11 Q. Could you explain how that would be
12 different from the process in place today, I guess
13 for the ports that aren't being canceled? For
14 example, currently in place for almost all other
15 simple ports is an automated procedure, which is not
16 manual. How is this process different from the
17 everyday porting process?

18 A. [SHOCKET] Well, there are two activities
19 here. There's the initial request asking for the
20 port to take place, and right now we have that
21 mechanized; it flows through our system. The
22 activity we're talking about is a change on the
23 existing order. So today's environment, when a
24 change comes in from a CLEC, it's manually processed

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1 intervention.

2 Q. So this would essentially be duplicating
3 that process for supplements.

4 A. [SHOCKET] Exactly.

5 Q. What would the time line be for implementing
6 this?

7 A. [SHOCKET] Well, we have one piece of it
8 that is actually going to go in August. It's a
9 small piece. It's a cancellation of an order that
10 was submitted by a CLEC when the orders haven't
11 actually been issued in the Bell Atlantic system.
12 So the CLEC would submit the order through request
13 manager and very shortly after that would send in a
14 supp. to cancel. The system would look for the
15 order. If it couldn't find the order, it would
16 cancel out the request for the initial order, and
17 the confirmation would go back to the CLEC that
18 that's been done.

19 Q. So if no work has been done by Bell
20 Atlantic, Verizon --

21 A. [SHOCKET] If no order had been issued by
22 Verizon, internal order.

23 Q. Not the FOC, but an order to do the work.

24 A. [SHOCKET] Right.

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1 in our TSOC organization. A human being has to
2 actually make the change.

3 The mechanization process that we're
4 exploring would be the exact same as the initial
5 order. It would be nonhuman intervention flowing
6 through to the downstream provisioning systems,
7 making the change on a near-real-time basis.

8 I just wanted to comment, also: As we
9 move forward, looking at this mechanization process,
10 we would only implement it if we were sure it would
11 improve our current on-time performance, which, as
12 you know, is very good.

13 Q. So this would be for all supps., not just
14 same-day cancels or reschedules.

15 A. [SHOCKET] That's correct.

16 Q. And currently the typical porting without a
17 supp., is that all currently in a real-time
18 automated process?

19 A. [SHOCKET] Well, yes. The order comes in,
20 and when it comes in, it's validated in the system
21 to make sure that all the entries in the fields that
22 are required are there. And the system would
23 generate the internal Bell Atlantic work activities
24 to effect the port. So there's no human

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1 Q. If that process had not yet begun and you
2 got a supp. --

3 A. [SHOCKET] To cancel.

4 Q. -- to cancel, then it would automatically
5 cancel and confirm back to the CLEC.

6 A. [SHOCKET] Yes. And that is scheduled for
7 the month of August.

8 The other work -- it's a two- to
9 three-step process. On the cancellation of an
10 existing order, an order that's already in the
11 system, we're still defining all of the
12 requirements, and we don't have an exact time line
13 for that yet.

14 Then the second piece of it is a
15 reschedule of an existing order, and we're still
16 defining the requirements on that, and I don't have
17 a time line yet.

18 Q. Any ballpark time line? This year? Next
19 year?

20 A. [SHOCKET] I really can't say. Well, you
21 know, certainly we'd like it as soon as possible,
22 but I don't have a definite commitment from our
23 group that does this work yet.

24 Q. Any sense of when you will have some

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1 commitment from that group?
2 A. [SHOCKET] I would imagine within the next
3 month or so. Right now it's a pretty difficult time
4 period.

5 Q. That I do understand. It's simply, as I
6 think you've worked together before, this is a high
7 priority for the CLECs and MediaOne specifically,
8 and we have a very -- a high degree of interest in
9 the automatization of this process. So the sooner the
10 better.

11 A. [SHOCKET] It works both ways. It's a
12 benefit to Verizon as well as to the CLEC. In the
13 meantime, as soon as we're able to resume some
14 normal work activity, I'm very anxious to work with
15 MediaOne or any other CLEC, on a one-on-one or a
16 group basis, to see if we can institute some
17 activity that might improve this performance.
18 Overall, though, our performance is still very high;
19 it's just this very small area where we would like
20 to see some enhancements to the way we are
21 processing right now, so that we can avoid and
22 certainly minimize any end-user out-of-service
23 problems.

24 Q. And that's because it's manually intensive

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1 customer at that point in time, and we do capture
2 that, because the customer will need to re-establish
3 service with Verizon if indeed it was disconnected
4 on Verizon's side.

5 Q. So Verizon would have the ability to measure
6 that from the retail side, but then it would take
7 more investigation into the retail side as to why
8 there was no service.

9 A. [SHOCKET] Right.

10 MS. PARKER: I don't have anything
11 further.

12 MS. CHIN: Thank you. Are there any
13 other questions from CLECs? Mr. Munnelly?

14 CROSS-EXAMINATION

15 BY MR. MUNNELLY:

16 Q. A very short followup on this. We were
17 talking about the tracking of these types of
18 canceled ports. For my own purposes: What happens
19 if, for example, a MediaOne customer needs to
20 postpone his port because of bad weather or
21 something like that? Does the same issue come up,
22 that if you don't get that order properly supplied
23 that the customer can be put out of service? Or is
24 that an entirely separate issue?

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1 on both ends at this point.

2 A. [SHOCKET] Right, both sides.

3 Q. Just one other question: In previous
4 testimony -- actually, in testimony, and I think in
5 response to MediaOne's Discovery Request 4-1, I
6 think Mr. Garbarino had stated that Verizon does not
7 keep track of canceled ports at all. Would this
8 process permit the tracking of cancels or
9 reschedules in any way?

10 A. [SHOCKET] I don't know that.

11 Q. Is that something that Bell Atlantic is
12 looking into separately, the tracking of cancels or
13 reschedules?

14 A. [SHOCKET] See, canceled ports end up not
15 being a port that we missed; so, in essence, it's
16 not an error on provisioning to a CLEC. If we miss
17 a port, a canceled port, then we end up getting a
18 trouble report on our retail side of the business.
19 So we do have a mechanism in place to capture
20 trouble reports.

21 Q. And that would be because if the canceled
22 port goes forward the Verizon customer is without
23 service.

24 A. [SHOCKET] Right, and it is Verizon's

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1 A. [SHOCKET] Well, if any CLEC needs to
2 postpone an order that's due for a specific day,
3 Verizon would take the request from the CLEC and we
4 would take steps to postpone that port, and we do.
5 I don't really understand what you're looking for
6 here.

7 Q. I was just saying that if you have a
8 situation of a postponed port where for some reason
9 the supp. does get processed in a timely fashion,
10 the customer can be put out of service?

11 A. [SHOCKET] Well, we do take steps so that
12 the customer isn't put out of service. But
13 certainly anything could happen.

14 Q. And I guess in terms of tracking it, you
15 face the same situation, that as of that date the
16 customer would still be a Verizon customer.

17 A. [SHOCKET] No, we still have a pending order
18 and request for the port to take place at a later
19 date, so we would be able to track that.

20 Q. Thank you.

21 MS. CHIN: Any further questions?

22 MR. GRUBER: I have a few questions.

23 MS. CHIN: Mr. Gruber?

24 CROSS-EXAMINATION

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1 BY MR. GRUBER:

2 Q. You said earlier that you didn't have a
3 commitment from the group that does the work to
4 implement the mechanized process for date of
5 completion; is that correct?

6 A. [SHOCKET] Yes.

7 Q. And I take it that you don't have a
8 commitment from that group because that group is
9 busy with other groups; is that true?

10 A. [SHOCKET] Yes, right now.

11 Q. Do you know the criteria that that group
12 uses to determine or to prioritize its commitments?

13 MR. ROWE: Your Honor, we have a witness
14 specifically on flow-through in the OSS panel, Ms.
15 DeVito, who could answer those questions better than
16 Ms. Shocket could.

17 MR. GRUBER: When is that witness
18 available?

19 MR. ROWE: In the OSS panel, next week.
20 That's what she does for a living.

21 MR. GRUBER: If the witness knows the
22 answer, I would appreciate the answer. We can
23 follow up with the other witness.

24 MS. CHIN: Why don't we save your

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1 questions for Mr. Kowolenko?

2 MR. ROWE: We have no questions for
3 Mr. Kowolenko.

4 MS. CHIN: Are there any other CLEC
5 questions or Department questions?

6 Thank you. Let's go off the record.

7 (Recess taken.)

8 CHAIRMAN CONNELLY: Good morning. Let's
9 go back on the record for collocation, which is
10 Checklist Item No. 1. Ms. Chin?

11 MS. CHIN: Mr. Rowe, would you like to
12 introduce the witness?

13 MR. ROWE: Thank you, Your Honor. With
14 respect to collocation, Verizon - Massachusetts has
15 four witnesses: Ms. Amy Stern, who testified
16 previously in this area; Ms. Karen McGuire, who
17 testified previously in this area; Mr. John White;
18 and Ms. Abesamis. Ms. Abesamis will adopt the
19 testimony she has filed in this area with respect to
20 measurements as well as the testimony filed earlier
21 by Mr. Garbarino.

22 AMY STERN, KAREN MAGUIRE, JOHN WHITE,
23 and BETH ABESAMIS, Witnesses

24 MS. CHIN: Will the witnesses please

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1 questions for Thursday, for the appropriate witness.

2 MR. GRUBER: Thank you.

3 MS. CHIN: Are there any other
4 questions?

5 Thank you. Off the record.

6 (Discussion off the record.)

7 MS. CHIN: Let's go back on the record.

8 We have one additional witness for LNP. It's
9 MediaOne's witness. Ms. Parker, would you like to
10 introduce him?

11 MS. PARKER: Our witness is David
12 Kowolenko. He's the director of telecommunications
13 at MediaOne.

14 DAVID KOWOLENKO, Witness

15 MS. CHIN: Mr. Kowolenko, would you
16 please stand and raise your right hand. Do you
17 swear or affirm that the testimony you are about to
18 give is the truth?

19 MR. KOWOLENKO: Yes.

20 MS. CHIN: Do you adopt any prior
21 statements and testimony that you've given in this
22 proceeding?

23 MR. KOWOLENKO: Yes.

24 MS. CHIN: Thank you. Are there any

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1 stand and raise your right hands. Do you swear or
2 affirm that the testimony you are about to give
3 today is the truth?

4 THE WITNESSES: Yes.

5 MS. CHIN: And do you adopt your prior
6 testimony in this proceeding?

7 THE WITNESSES: Yes.

8 MS. CHIN: Ms. Abesamis, do you also
9 adopt the testimony of Ken Garbarino?

10 WITNESS ABESAMIS: Yes.

11 MS. CHIN: Thank you.

12 CHAIRMAN CONNELLY: Has each one of your
13 witnesses been sworn previously?

14 MR. ROWE: This is the first time, I
15 believe, for several of them.

16 CHAIRMAN CONNELLY: For who? Why don't
17 you rise and raise your right hand.

18 Do you solemnly swear that you will make
19 true answers to the questions on the matters put
20 forth in these hearings?

21 WITNESS ABESAMIS: Yes.

22 WITNESS WHITE: Yes, I do.

23 MS. CHIN: Are there any opening
24 statements?

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1 MR. ROWE: We have no opening statements
2 with respect to this checklist item.
3 MS. CHIN: We'll start with the Attorney
4 General.
5 MS. REED: Thank you, Madam Hearing
6 Officer.
7 CROSS-EXAMINATION
8 BY MS. REED:
9 Q. I'd like to direct your attention first to
10 your supplemental comments filed May 26th, Page 22,
11 regarding the number of central offices in which
12 space has been exhausted. Let me know when you're
13 ready, please.
14 MS. CARPINO: Do you have a paragraph
15 number?
16 MS. REED: Not on the supplemental
17 comments. There's no corresponding paragraph for
18 the affidavit; otherwise I would have referenced
19 that as well. Just Page 22 of the supplemental
20 comments, under Checklist Item No. 1, Sub 3,
21 collocation.
22 I see that Verizon is ready. Is the
23 Bench ready?
24 MS. CARPINO: Yes.

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1 CHAIRMAN CONNELLY: We'll let you know
2 if we're not.
3 Q. Verizon has stated that space has been
4 exhausted in only four central offices in
5 Massachusetts, according to this comment. Is that
6 correct information today?
7 A. [KAREN MAGUIRE] I'm not sure. I believe it
8 is.
9 Q. You're not positive about that, Ms. Maguire.
10 Is there any way that you can check to see whether
11 or not any additional central office space has been
12 exhausted besides the four listed in the comments?
13 A. [KAREN MAGUIRE] Yes.
14 Q. How quickly will it take to you find out if
15 there are more than just four and which central
16 offices have exhausted space? Would it take you
17 more than until this afternoon?
18 A. [KAREN MAGUIRE] It would take me more than
19 until this afternoon.
20 Q. I would appreciate that. If you can at some
21 point --
22 MS. REED: Madam Hearing Officer, how do
23 you want to handle this? Verizon is not sure.
24 MS. CARPINO: It's not necessary to make

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1 a record request for this.
2 MS. REED: I wouldn't think so, either.
3 WITNESS KAREN MAGUIRE: I can get it to
4 you by this afternoon. In fact, it's published on
5 our Web site right now. I just don't have it in
6 front of me.
7 MS. REED: I would appreciate it if we
8 could get a report back from Verizon at some point
9 today.
10 MS. CARPINO: We'll make a point of
11 after a break either allowing counsel or the witness
12 to update, if necessary, that information.
13 MS. REED: Thank you very much.
14 Q. The next question I have refers to the same
15 comments, Page 26, regarding virtual collocation
16 intervals. Ms. Maguire, are you ready?
17 A. [KAREN MAGUIRE] Yes, I am.
18 Q. Am I correct in understanding that there's a
19 105-business-day interval for virtual collocation
20 arrangements?
21 A. [KAREN MAGUIRE] That is correct.
22 Q. Am I also correct in understanding that
23 Verizon is in the process of changing that interval
24 to 76 business days?

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1 A. [KAREN MAGUIRE] That is correct.
2 Q. Can you give me a time frame as to when that
3 interval will be revised? Your comment indicates
4 that Verizon is in the process of changing it to a
5 76-day interval, but the comment does not indicate
6 when that will be achieved. Can you help me out
7 with that?
8 A. [KAREN MAGUIRE] Actually, that interval is
9 already in place.
10 Q. So the statement in the comment could be
11 modified to say that there is currently a
12 76-business-day interval for virtual collocation; is
13 that correct?
14 A. [KAREN MAGUIRE] Well, this statement was
15 made in May, so it couldn't be modified for May, but
16 it could be modified now.
17 Q. So if your supplemental comments -- Let me
18 rephrase that. Is the current virtual collocation
19 interval 76 business days?
20 A. [KAREN MAGUIRE] Yes.
21 Q. Thank you.
22 MS. REED: That's all. Thank you.
23 MS. CHIN: Is there any CLEC
24 questioning?

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1 MS. FELL: We have no questions.
2 MS. CHIN: Does the Department have any
3 questions?
4 MS. CARPINO: Before we go to Rhythms'
5 witness, I notice there are a few attorneys that
6 weren't here on Monday, when we did appearances. If
7 you weren't here on Monday, would you mind
8 indicating your name and who you represent. Mr.
9 Oxman?
10 MR. OXMAN: Jason Oxman, from Covad
11 Communications.
12 MS. SCARDINO: Kim Scardino, for
13 Rhythms.
14 MS. FELDMAN: Elena N. Broder-Feldman,
15 for WorldCom.
16 MR. LOWE: Michael Lowe, for Verizon.
17 MS. WITTENBERG: Susan Wittenberg, from
18 the Department of Justice.
19 MS. FELL: And Mary Jean Fell, from
20 Blumenfeld & Cohen for Rhythms.
21 MS. CHIN: Ms. Fell, would you like to
22 introduce your witness?
23 MS. FELL: Yes, I would. We have with
24 me Rob Williams, who is the director of regulatory

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1 affairs and deployment for Rhythms. Kim Scardino is
2 also here representing Rhythms, assistant general
3 counsel.
4 ROBERT G. WILLIAMS, Witness
5 MS. CHIN: Would you please stand and
6 raise your right hand. Do you swear or affirm that
7 the testimony you are about to give is the truth?
8 MR. WILLIAMS: Yes.
9 MS. CHIN: Do you adopt any prior
10 testimony given in this proceeding?
11 MR. WILLIAMS: Yes, I do.
12 MS. FELL: Mr. Williams does have a
13 short statement he would like to make.
14 WITNESS WILLIAMS: Good morning. Robert
15 Williams, with Rhythms. Three topics under
16 collocation. The first is conversion of virtual
17 collocation to physical collocation in place. This
18 has been raised in the 17 tariff proceedings. I
19 think right in this room, and it is in that process
20 under Docket 98-57.
21 The point to make here is, we have two
22 virtual collocations in Massachusetts, Westford and
23 Westborough.
24 MS. CARPINO: Mr. Williams, this is an

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1 issue that's currently in an open docket, 98-57.
2 This specific issue is actually on reconsideration.
3 One of the ground rules when we started this
4 proceeding was that we wouldn't discuss issues that
5 were in open dockets.
6 MS. FELL: Ms. Chin, if I may. The
7 issues that Mr. Williams is going to address respond
8 specifically to the points raised in the
9 supplemental affidavit of Verizon, and the specific
10 issues at these two central offices where they've
11 sort of dismissed that there's just two problems
12 here, and we have no other requests pending. But we
13 have specific problems at these two central offices
14 that affect the competitive environment and Rhythms'
15 ability to compete for customers out of those
16 central offices.
17 MS. CARPINO: Is your issue, it's not a
18 policy issue, it's a --
19 MS. FELL: Factual issue about what's
20 happening at these two central office.
21 MS. CHIN: Okay. Please continue.
22 MR. WILLIAMS: The point is, we have had
23 in July, right before the strike, in these two COs,
24 live customers down through the hardware, and Bell

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1 Atlantic's inability to work the issues. And after
2 days of escalation, the basic response was, "Well,
3 the people that we had trained aren't here. The
4 people that are here don't know how to fix your
5 equipment." And we were down for several days,
6 affecting live customers.
7 So the point here is that this issue
8 affects the open marketplace in Massachusetts today.
9 So we believe it needs to be resolved prior to 271
10 being approved, based upon the marketplace being
11 open for competition. That's the essence of the
12 point.
13 The second point I'll skip.
14 The third point concerns power and power
15 charges -- not how much per amp, but how many amps.
16 It presents essentially a barrier to entry, if you
17 would, to CLECs collocating based upon the price.
18 Bell Atlantic charges twice for the power. They
19 give redundant feeds, and although they're designed
20 to shift if one goes down so you get power from the
21 backup, they charge for both leads for the full
22 amount of amperage. So that the cost that CLECs pay
23 is twice what we believe it should be. And this is,
24 again, imposing a competitive issue, pricing issue,

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1 to CLECs which affects the openness of the
2 marketplace.
3 MS. CHIN: Thank you. Are there any
4 questions for this witness? Ms. Reed?
5 MS. REED: Thank you.
6 CROSS-EXAMINATION
7 BY MS. REED:
8 Q. Mr. Williams, I apologize; I didn't catch
9 the names of the two central offices.
10 A. Westford and Westborough.
11 MS. REED: That's it. Thank you.
12 MS. CHIN: Are there any other
13 questions?
14 MR. ROWE: I don't believe we have
15 questions. I do believe Ms. Maguire would like to
16 respond to some points that were raised, if you'll
17 give us a moment. But as to questions, we would not
18 if Ms. Maguire gets a chance to address the
19 comments.
20 (Pause.)
21 MS. CARPINO: Ms. Maguire, do you have a
22 response or a question for Mr. Williams?
23 WITNESS KAREN MAGUIRE: Actually, I
24 guess I have a brief response. On the power rates,

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1 do that.
2 CHAIRMAN CONNELLY: Not that you can do
3 it, but that you in fact will do it?
4 WITNESS KAREN MAGUIRE: We certainly
5 will do it.
6 MR. ROWE: Yes.
7 CHAIRMAN CONNELLY: We'll rely on your
8 doing that and to send us a joint letter in, sooner
9 than later, as to what you've done and as to what
10 resolution you've been able to achieve, if any?
11 WITNESS KAREN MAGUIRE: Certainly.
12 MS. FELL: Your Honor, if I may: We'd
13 be happy to work with Verizon on this issue, but
14 what we're demonstrating here that is these virtual
15 arrangements are just not effective. Rhythms needs
16 access to its equipment at the central offices to be
17 able to effectively compete there.
18 CHAIRMAN CONNELLY: Then that's part of
19 what you should be working out with them and be
20 reporting back to us, let's say before September
21 1st.
22 MS. FELL: Thank you.
23 MS. CARPINO: Mr. Williams, to your
24 knowledge, has Rhythms followed the escalation

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1 the response is that we're charging the rates that
2 have been approved by this Commission and in the
3 method that we've stated to this Commission.
4 With respect to the Westford and
5 Westborough offices, actually, I'm a little
6 surprised by the comments, because this is the first
7 time I've heard about these outages. There are
8 procedures for calling in troubles, and if for
9 whatever reason you're not getting the response that
10 is expected, there are procedures to bring in your
11 own technical-support personnel, and there are
12 certainly escalation procedures to use. To my
13 knowledge, neither of those procedures -- well,
14 certainly the escalation procedures hadn't been
15 used, because this is the first time I'm hearing
16 about it. Perhaps off the record we can go through
17 the ability to bring in your own technical-support
18 people, which is part of the process and is well
19 documented.
20 CHAIRMAN CONNELLY: So is that a
21 representation from Bell Atlantic that you'll talk
22 to these folks and straighten out whatever the
23 situation is?
24 WITNESS KAREN MAGUIRE: We certainly can

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1 procedures with respect to these two arrangements?
2 MR. WILLIAMS: Yes. We did in fact end
3 up with our people going into the offices to make
4 the fixes, but I believe it was a three-day-outage
5 period, waiting to get permission to do that as you
6 followed through the escalations and then people
7 were working on it and then didn't fix it. So
8 finally, after three days, they said, "Okay, you
9 come in."
10 MS. CARPINO: How long ago did this
11 happen?
12 MR. WILLIAMS: It was in July, late
13 July, before the strike. (Pause.) Middle of July.
14 MS. CARPINO: I'm going to propose a
15 request for the documentation that you may have on
16 that escalation.
17 MR. WILLIAMS: We have the trouble-
18 ticket histories.
19 MS. CARPINO: Do you have it with you?
20 MR. WILLIAMS: We have -- I think it's
21 with us. Let me check if it's all with us. If not,
22 we have it in our system and would have to print it
23 out.
24 MS. CARPINO: Why don't I tentatively

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1 mark that as Record Request C.
2 (RECORD REQUEST.)
3 MS. CHIN: Are there any other
4 questions? (Pause.) Thank you. I think we're done
5 with this issue. Off the record for a moment.
6 (Recess taken.)
7 CHAIRMAN CONNELLY: Let's go back on the
8 record. We'll start with Checklist Item No. 2, UNE
9 combinations. I'd just like to note for the record
10 that the entire Massachusetts Commission is here in
11 the room, such is the level of interest in this
12 proceeding, and particularly in this subject. Ms.
13 Carpino?
14 MS. CARPINO: I believe we only have
15 witnesses from Verizon on this issue, and I also
16 believe all them have already been administered the
17 oath. So I would ask you to please stand and raise
18 your right hand.
19 AMY STERN, KAREN MAGUIRE, and
20 DONALD ALBERT, Witnesses
21 MS. CARPINO: Do you swear or affirm
22 that the testimony, that you will adopt statements
23 you made in this proceeding last fall before the
24 Department in this proceeding?

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1 THE WITNESSES: I do.
2 WITNESS STERN: In addition, I'll be
3 adopting the testimony of Ms. Brown from the
4 technical session.
5 MS. CARPINO: Thank you. You may be
6 seated. In accordance with our agreed-upon
7 procedures, the witnesses are allowed to make a
8 brief presentation if they so choose.
9 MR. ROWE: Verizon has no opening
10 statement to make.
11 MS. CARPINO: Ms. Reed, do you have any
12 questions?
13 MS. REED: I do not have any questions
14 at this time, Madam Hearing Officer, but thank you.
15 MS. CARPINO: Are there any questions
16 from CLEC counsel or experts?
17 MR. SALINGER: AT&T does not have
18 questions for this panel, but just so there's no
19 confusion, the UNE-combinations issues that we have
20 filed comments and are presenting witnesses on are
21 more OSS-related, and we'll be dealing with them
22 next week, and the issue of the ability to be
23 providing DSL services over UNE-P is something that
24 we're actively involved in in the 98-57 docket. So

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1 consistent with the ground rules, we won't recreate
2 that record here.
3 MS. CARPINO: Thank you, Mr. Salinger.
4 It appears there are no questions from
5 the Department, so there's obviously no redirect.
6 MR. ROWE: No, there is not.
7 MS. CARPINO: I thank the witnesses.
8 Let's take a brief break and discuss the schedule.
9 Off the record.
10 (Brief recess.)
11 CHAIRMAN CONNELLY: Back on the record.
12 This is No. 4, the loops issue. Ms. Carpino?
13 MS. CARPINO: Mr. Rowe, would you like
14 to introduce your witnesses, please?
15 MR. ROWE: Thank you very much, Ms.
16 Carpino. For the area of loops generally, other
17 than xDSL and hot cuts, we have five witnesses.
18 They are Amy Stern, Tom Maguire, Don Albert, John
19 White, and Beth Abesamis. At this point I think all
20 of them have been previously sworn.
21 WITNESS THOMAS MAGUIRE: I have not.
22 AMY STERN, THOMAS MAGUIRE, DONALD
23 ALBERT, BETH ABESAMIS, and JOHN
24 WHITE, Witnesses

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1 MS. CARPINO: Mr. Maguire, please stand
2 and raise your right hand. Do you swear or affirm
3 that the testimony you're about to give is the whole
4 truth?
5 WITNESS THOMAS MAGUIRE: Yes.
6 MS. CARPINO: Would the others please
7 stand and I'll ask you to adopt statements you made.
8 Do you adopt the statements you made as truthful
9 last fall before the Department in this proceeding
10 as the whole truth?
11 THE WITNESSES: I do.
12 WITNESS ABESAMIS: I also adopt Ken
13 Garbarino's testimony of last fall.
14 MS. CARPINO: Thank you.
15 MR. ROWE: We have a brief statement to
16 open. Mr. Maguire would speak to the subject of
17 UNE-loop maintenance. There is a visual that Mr.
18 Maguire has as well, and I'll ask Mr. Meehan to
19 distribute that to the other parties.
20 MS. CARPINO: I think for identification
21 purposes only we'll mark this as Exhibit No. 11.
22 (Exhibit 11 marked for identification.)
23 WITNESS THOMAS MAGUIRE: Thank you. As
24 we were looking at the maintenance and repair

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1 results for the last couple of months, we struggled
2 to find out what was the differentiating factor
3 between what goes on in the retail world and what
4 takes place in the wholesale world that could be
5 behind some of the results as we see them today.
6 Our analysis indicates that there are a number of
7 different things that come into play, that I've put
8 into a category of troubleshooting tools. If you
9 look at the first page of the graphic, as you go
10 from Verizon retail --

11 CHAIRMAN CONNELLY: Can I interrupt you
12 just one second? By "the graphic," you mean this
13 three-page item that is captioned Maintenance
14 Variables on the first two pages and The Race To
15 Resolution on the third?

16 WITNESS THOMAS MAGUIRE: Yes, sir.

17 CHAIRMAN CONNELLY: Are you and the
18 other witnesses going to be making occasional or
19 frequent references to this?

20 WITNESS THOMAS MAGUIRE: I don't plan
21 to, no.

22 WITNESS WHITE: I may in the xDSL.

23 CHAIRMAN CONNELLY: So that the
24 transcript makes sense, we may want to consider

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1 WITNESS THOMAS MAGUIRE: As I was
2 saying, what I've tried to do is categorize
3 different variables as tools for troubleshooting.
4 Our analysis shows that as you move across the X
5 axis, the bottom scale --

6 CHAIRMAN CONNELLY: You're talking about
7 Page 1.

8 WITNESS THOMAS MAGUIRE: Page 1, yes.
9 -- that the more complex the services
10 and the more you move away from Verizon retail, we
11 seem to have a lack -- or Verizon loses a lot of the
12 tools that they would normally use in the retail
13 world in order to effect an expeditious resolution
14 of the trouble.

15 Now, this is not necessarily, you know,
16 a slight against any particular organization. It
17 just is a statement of the facts as we see it today.
18 For example, in Verizon retail we have access
19 information, which just simply means access to the
20 customer's premise or the network interface. We
21 also have customer contact, which provides extremely
22 valuable information as to what is going on with a
23 particular circuit or something that might have
24 happened recently that would have caused an outage

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1 binding the copy of this with the transcript, if
2 that's possible.

3 MR. ROWE: We may provide the
4 electronic, if that would than helpful.

5 CHAIRMAN CONNELLY: We'll take that
6 under advisement, because otherwise the transcript
7 will be word salad if we don't have it.

8 Is this paginated?

9 WITNESS THOMAS MAGUIRE: No, sir.

10 CHAIRMAN CONNELLY: Why don't we pause
11 for a moment -- I think it will pay off in the
12 end -- and see if there's some way of describing
13 this. (Pause.)

14 The first page of this is entitled
15 Maintenance Variables, and it has five bar graphs
16 across it. The second page, also entitled
17 Maintenance Variables, has six bar graphs across it;
18 so that would be Page 2. And The Race to Resolution
19 is the title of Page 3. Sorry to be tedious, but
20 I've just dealt with transcripts where witnesses are
21 referring to something that's not part of the record
22 and it's very hard, unless you identify it, to know
23 what they're talking about. Thank you.

24 MR. ROWE: Thank you.

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1 or some sort of disruption to service.

2 We also have testing capability through
3 our switches, and we have the presence of dial tone,
4 which is a traditional item or commodity that's out
5 on these loops that just makes it a little bit
6 easier to find out whether or not you're getting
7 continuity from Point A to Point B.

8 If you look in the UNE-P/Resale column,
9 you can see that we lose customer-contact
10 information. We also lose access information as
11 well. However, we retain testing capabilities and
12 dial tone, so it's about as similar as you can get
13 to the retail product. Strangely enough, the
14 maintenance and repair results are also very close
15 to those of retail.

16 When we move into UNE loop, DSL, and
17 digital, we lose testing capabilities and we have to
18 rely on the CLEC community to provide us with as
19 much information as possible to help us effect a
20 quick resolution of the trouble.

21 I want to put this out as a graphic so
22 we could have a little bit of understanding. The
23 point of this chart and the second chart, which just
24 simply overlays line-sharing as well in terms of

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1 complexity and troubleshooting pools -- it just
2 shows that there are differences that exist in the
3 world that we feel are just a simple fact of life,
4 and we have to address these things working
5 collectively with the CLEC community as we move
6 forward in order to try to get the measures to be
7 truly in parity. I don't feel that it's Verizon's
8 sole responsibility to figure out how to correct
9 some of the discrepancies or dissimilarities in the
10 results. I think we have to work collectively with
11 the CLEC community to try to come to a common
12 understanding and make sure that we exchange as much
13 information as possible, so this way we can effect a
14 quick resolution of the customers' problems.

15 The last graphic page, entitled Race to
16 Resolution, looks at another bit of analysis that we
17 recently completed. A lot of folks have pretty much
18 been focusing on the receipt-to-clear time. These
19 are roughly -- well, I could go through some of the
20 differences. When we looked at the receipt to
21 appointment, from the receipt of a retail circuit to
22 the appointment time, it's almost identical to that
23 of wholesale. As a matter of fact, wholesale over
24 the last three months has just been a little bit

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1 believe one of the companies even mentioned in their
2 filing how they've taken to accepting bad circuits
3 on provisioning and then having them addressed as
4 trouble tickets. Why they're accepting bad circuits
5 I'm not quite sure. But I think the end results
6 that we're skewing the maintenance results. So
7 again, we have to find out why that is, we have to
8 take care of that problem, we have to address it as
9 a provisioning issue rather than a maintenance issue
10 so we don't skew anything.

11 And we also, going forward -- and this
12 isn't captured in any of the graphics -- I think we
13 have to develop a better understanding of the
14 behaviors of the community at large. I've made
15 reference to some of those items in my filing, so I
16 won't go over them again. But I think as we
17 continue the relationship between the wholesale
18 community and Verizon, we can identify these
19 differentials, make appropriate corrections either
20 in our behavior, their behavior, or the metrics, and
21 everything should come out nice and equal at the
22 end.

23 Essentially, that's my statement.
24 MS. CARPINO: Thank you, Mr. Maguire.

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1 short, nothing significant. Our receipt to dispatch
2 has also been about the same, but the wholesale
3 dispatch, just being an hour, a little bit more on
4 average greater than that of the retail products.

5 Once you get down to receipt to clear,
6 though, the wholesale products take nearly twice as
7 long. I think that is driven primarily by some of
8 the, I guess the lack of tools that we have in order
9 to identify exact problem areas. Plus, you can see
10 some of the other drivers there. The no-access rate
11 is five times that of retail. The multiple-dispatch
12 is two times that of retail. And there also seems
13 to be a recent phenomenon of long-duration I-codes,
14 I-codes being a trouble on a recently completed
15 service order. So, for example, if there was a
16 service order in the last week or two and we took a
17 trouble report, that would be scored as an I code.

18 We seem to have an excessive amount of
19 long-duration I-codes in the wholesale world.
20 Approximately 15 percent of the troubles last
21 greater than 72 hours in the wholesale world, as
22 opposed to the retail world, where only about 5
23 percent last greater than 72 hours. We're running
24 into a lot of engineering difficulties, and that I

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1 CHAIRMAN CONNELLY: Can Verizon give to
2 the court stenographer an electronic version of
3 this, so that he can include it in the transcript?

4 MR. ROWE: We will do that at the lunch
5 break.

6 MS. CARPINO: Are there any other
7 statements?

8 MR. ROWE: That's what we have for
9 opening statements.

10 MS. CARPINO: Ms. Reed, do you have any
11 questions?

12 MS. REED: The questions I have address
13 the DSL portion of this checklist item, so I'll hold
14 them until that time.

15 MS. CARPINO: Thank you.

16 MS. LICHTENBERG: Sherry Lichtenberg,
17 from WorldCom.

18 EXAMINATION

19 BY MS. LICHTENBERG:

20 Q. I just have a few questions about your
21 chart, if you could. On the first page -- and I
22 apologize for not remembering how it was
23 characterized -- could you define what you mean by
24 "testing capability for UNE-P and resale"?

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1 A. [THOMAS MAGUIRE] UNE-P and resale, since
2 those circuits are still hooked up to the Verizon
3 switch, we still have the ability to use MLT
4 testing.

5 Q. So MLT testing is available on UNE-P.

6 A. [THOMAS MAGUIRE] Yes.

7 Q. I know that later on you talk about some
8 more ways that we can resolve troubles better. Is
9 that MLT testing valid for UNE-P?

10 A. [THOMAS MAGUIRE] I believe so, yes.

11 Q. Could you also help me understand on the
12 third page -- this, I assume, is a composite of the
13 time that it takes to clear troubles for all the
14 types of circuits identified on the first page; is
15 that correct?

16 A. [THOMAS MAGUIRE] Not UNE-P and resale.

17 Q. UNE-P and resale are not included in this.

18 A. [THOMAS MAGUIRE] Yes.

19 CHAIRMAN CONNELLY: In Page 3, you mean?

20 WITNESS THOMAS MAGUIRE: In Page 3, Race
21 to Resolution. UNE-P and retail receipt-to-clear
22 results are typically close or the same as those in
23 retail.

24 Q. Have you done this sort of analysis for

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1 problems in the more complex services could be
2 addressed if Verizon were allowed to talk directly
3 to CLEC customers?

4 A. [THOMAS MAGUIRE] Potentially, yes.

5 Q. And has Verizon looked at the way to do that
6 without having any potential issues regarding
7 competitiveness or problems with Verizon speaking to
8 the relative merit of a CLEC's service or a CLEC's
9 circuit?

10 A. [THOMAS MAGUIRE] Anecdotally, we've
11 actually talked to the end users, when I've asked
12 permission of a specific company. A most recent
13 example was, a company came to me with a problem
14 that appeared to have an access issue. I said,
15 "Well, if it's okay by you, I'll speak directly to
16 your end user, and frankly, I'll have my people
17 never even let on that we are Verizon, as opposed to
18 Company X."

19 Again, on an individual basis we've done
20 that, and it seems to have helped out -- primarily
21 to gain access, but also to gain information from
22 customers, because they might know things that are
23 happening in their building -- construction,
24 platings being put into offices, revamping

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1 UNE-P?

2 A. [THOMAS MAGUIRE] No.

3 Q. Would you be able to do this sort of
4 analysis for UNE-P?

5 A. [THOMAS MAGUIRE] Sure.

6 Q. Could we request that analysis?

7 A. [THOMAS MAGUIRE] Could I ask a question?
8 Why would I do that? The purpose of this graphic is
9 to show the similarity between retail and wholesale
10 to these products. If UNE-P has similar results --
11 I just don't understand what I'm looking for.

12 Q. The reason I'm asking is that I think this
13 is a very excellent graphic that shows us a lot
14 about the way that troubles are cleared and issues,
15 and I would like to see that for UNE-P, so that, as
16 CLECs, we can understand the impact on consumers.

17 MS. CARPINO: Pursuant to the procedures
18 that we agreed to, as set forth by the chairman on
19 Monday, we will take your request under advisement
20 and review it in the context of the transcript.
21 That will be tentatively marked as Record Request D.
22 (RECORD REQUEST.)

23 Q. Let me ask one last question based on Page
24 1. Is Verizon proposing from this presentation that

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1 basements, what have you -- that might prove
2 invaluable to actually going in and clearing a
3 trouble. So we have done that, although I do not
4 believe that we've taken a formal look as to how we
5 can do that.

6 Q. So you have no procedures yet in effect on
7 how you would speak to a CLEC customer or ask CLECs
8 for permission to speak to CLEC customers or ensure
9 that your staff didn't accidentally engage in any
10 win-back activities.

11 A. [THOMAS MAGUIRE] My people are wholesale
12 people. They don't get involved in win-back-type
13 stuff. This is primarily maintenance people I'm
14 talking about. Typically they're in a position
15 where they take a trouble and then they dispatch it
16 out to the field organization. So my folks don't
17 typically have direct contact with the customer, the
18 CLEC or DLEC customer, because they have the
19 understanding that they're not supposed to talk to
20 them. So, again, aside from individual cases where
21 we have a fairly good open relationship with an
22 individual -- for example, in WorldCom, there are
23 people that we deal with quite frequently. So if we
24 see an instance where we think we could add some

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1 value by having a three-way conversation with the
2 WorldCom individual on the phone with the Verizon
3 individual and the customer, we do that typically as
4 well. I do not believe that we've had any sort of
5 formal process, nor has anybody asked that we have a
6 formal process. Typically a lot of people say,
7 "Don't talk to my customers," because they're your
8 customers as opposed to my customers. So again, we
9 don't have that.

10 Q. And again, you're speaking only to what we
11 would refer to as more complex services, not to
12 UNE-P or resale.

13 A. [THOMAS MAGUIRE] Well, I'm speaking to
14 primarily UNE loop and up.

15 Q. Thank you very much.

16 MS. CARPINO: Mr. Salinger?

17 CROSS-EXAMINATION

18 BY MR. SALINGER:

19 Q. If I could just follow up on the metallic
20 loop testing, or MLT point. First, I want to make
21 sure I understand your testimony correctly. MLT is
22 available for and applicable to UNE-P arrangements?

23 A. [THOMAS MAGUIRE] Yes.

24 Q. Was that information provided by you or your

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1 involving MLT with UNEs because MLT was not
2 applicable to UNEs. Is that incorrect?

3 A. [THOMAS MAGUIRE] I don't know what they
4 mean by UNEs. I don't know if they characterize
5 UNE-P as UNEs or if they're speaking solely as loop.
6 I just don't know.

7 MR. SALINGER: For the convenience of
8 the Bench, this point is raised in AT&T's August 3rd
9 comments on the KPMG draft report at Page 23, and
10 there are cross-references there to the issue.

11 MS. CARPINO: Mr. Oxman?

12 MR. OXMAN: Thank you.

13 CROSS-EXAMINATION

14 BY MR. OXMAN:

15 Q. I just have a couple of clarifying questions
16 about the chart, specifically Page 3. At the very
17 bottom of the chart, which refers to wholesale
18 receipt to clear, the line that extends across the
19 page: Can you tell me if that category includes
20 repeat trouble tickets?

21 A. [THOMAS MAGUIRE] Yes.

22 Q. Can you tell me if that category includes
23 subsequent trouble tickets?

24 A. [THOMAS MAGUIRE] This is receipt to clear

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1 staff to KPMG in connection with their testing?

2 A. [THOMAS MAGUIRE] I'm not sure.

3 Q. In KPMG's report, in the July 26th draft
4 report, at Page 219, and Footnote 19 on that page --
5 I assume it's at approximately the same point in the
6 subsequent draft -- KPMG indicated that they had
7 been led to believe that MLT's, quote, "not
8 applicable for UNE accounts," close quote, and
9 therefore had not tested any MLT transactions even
10 in connection with UNE-P. Would that conclusion by
11 KPMG be incorrect?

12 A. [THOMAS MAGUIRE] Excuse me?

13 Q. Would that conclusion by KPMG be incorrect?

14 A. [THOMAS MAGUIRE] I believe that -- and I
15 don't have the reference in front of me. But I
16 believe that KPMG looked at MLT performance as it
17 examined RETAS, and they talked about MLT and SARTS
18 testing through RETAS, which is the way that UNE-P
19 and resale customers would access MLT. So they
20 might not have spoken about it in the particular
21 reference that you mention; however, I do recall
22 seeing it somewhere in the early MNR sections.

23 Q. I'm focusing on this other section, where
24 KPMG said they couldn't do any test transactions

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1 on a trouble. A subsequent report would be taken on
2 a trouble ticket that would be closed. So, for
3 example, if you had a trouble ticket that was taken
4 on today and it was still open tomorrow and you
5 called in another report, that would be a subsequent
6 report. However, you would have one receipt-to-
7 clear time for that trouble. A repeater indicates
8 that the initial trouble is actually closed out, so
9 therefore you're talking about two duration times.
10 A subsequent wouldn't necessarily have its own
11 duration time.

12 Q. So subsequents are not included in here.

13 A. [THOMAS MAGUIRE] They are. This is talking
14 about trouble reports -- trouble tickets, as opposed
15 to trouble reports. You can have a single trouble
16 report with multiple subsequents, and a trouble
17 report may or may not be a repeater.

18 Q. So if a ticket is subsequently opened, it's
19 included here.

20 A. [THOMAS MAGUIRE] Yes. I would call that a
21 repeater.

22 Q. Can you tell me what percentage of the
23 tickets included in this category are repeat trouble
24 tickets?

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1 A. [THOMAS MAGUIRE] That didn't factor in
2 here. That I don't know off the top of my head. We
3 just looked at a generic, how long does it take to
4 clear a ticket. We didn't necessarily differentiate
5 between initial trouble reports -- or originating
6 trouble reports or a repeat trouble report. In
7 order to have a repeat trouble report, you have to
8 have an originating trouble report.

9 Q. Is that something you could find out?

10 CHAIRMAN CONNELLY: You have to say yes.
11 You can't just shake your head.

12 A. [THOMAS MAGUIRE] Yes.

13 Q. As I'm sure you know, one of the principal
14 issues in the maintenance arena between Covad and
15 Verizon in this proceeding is the issue of repeat
16 trouble tickets, so that would be very useful for us
17 to know.

18 A. [THOMAS MAGUIRE] I make reference to some
19 of the repeat trouble tickets in my most recent
20 filing, and I talk specifically, I think, about some
21 of the Covad stuff.

22 MS. CARPINO: We'll make that proposed
23 Record Request E.

24 (RECORD REQUEST.)

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1 identify, because essentially what's happened is,
2 we'll dispatch somebody out, they'll take it as far
3 as they can, they'll think it's okay, they could
4 possibly close it out as a not-found-trouble, and
5 that gets back to the CLEC, and the CLEC goes and
6 finds a not-found-trouble, contacts their customer,
7 and then finds out the customer is still not
8 satisfied, they still don't have dial tone, they
9 still don't have whatever services they were looking
10 to get.

11 So being able to come to full closure is
12 what essentially we're looking for.

13 Q. So if you no-access a trouble ticket, that
14 doesn't necessarily mean that you didn't investigate
15 the ticket.

16 A. [THOMAS MAGUIRE] Exactly.

17 MR. OXMAN: Thank you.

18 MR. McDONALD: Chris McDonald with
19 WorldCom.

20 I have a question. I'm not sure if it
21 should be a question to the witness or a record
22 request. I'd like to get the background information
23 that was used in creating this chart, whether that
24 can be done by listing the witness and the source

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1 Q. I have one other question. You mention a
2 five-times-retail no-access rate. Can you explain
3 why you need access in order to investigate a
4 trouble ticket?

5 A. [THOMAS MAGUIRE] If you can't get to the
6 NID -- this doesn't necessarily differentiate
7 between access to the customer's equipment, inside
8 wiring, and NID. We can't get into where the
9 circuit terminates in order to determine if the
10 circuit -- if the continuity is good all the way
11 from Point A to where it terminates at the
12 customer's equipment.

13 Q. So in the absence of access to the
14 customer's premises, you will not commence the
15 troubleshooting process.

16 A. [THOMAS MAGUIRE] They'll try to shoot it as
17 far as they can. But, I mean, again, without
18 knowing -- it's like only doing half a job. I think
19 that's part of the frustration that we've talked
20 about. The fact that we think something is good to
21 a certain point and close out the ticket -- for
22 example, good to side of house, I'll use as an
23 example -- only to find out that the customer is
24 still not satisfied. That could take some time to

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1 information or whether that can be a record request
2 or whether that can be supplied to us.

3 MS. CARPINO: Mr. Maguire?

4 WITNESS THOMAS MAGUIRE: In terms of
5 source information? Source information is the NORD
6 system that we use, it's the same system they use to
7 calculate the carrier-to-carrier metrics. So
8 essentially what we did is looked at some of the
9 carrier-to-carrier metrics and then just came out,
10 with an average for graphic purposes.

11 CROSS-EXAMINATION

12 BY MR. McDONALD:

13 Q. Can we get a list of which metrics were
14 used, that were factored in --

15 A. [THOMAS MAGUIRE] For example, if we're
16 going to look at MTTR, which is the carrier-to-
17 carrier metric, that could have subcomponents in it.
18 We could look at what the appointment was and then
19 calculate from the receipt of the ticket to the
20 appointment what was that interval. We could see
21 how long it took us to dispatch from the receipt
22 time to the dispatch time, and then ultimately that
23 comes out in the MTTR metric, carrier-to-carrier.

24 Q. I still would like to find out with some